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October 4, 2001

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CERTIFIED EXPRESS MAIL

Secretary Hazardous Waste Management Commission
State of Missouri
P O Box 176
Jefferson City, MO 65102-0176

RECEIVED
JUL 05 '00
WZAN W JFPPJAM
IN OFF LFN RAL RESOURCES

Re The Doe Run Resources Corporation

Dear Secretary

On behalf of our client The Doe Run Resources Corporation I enclose for filing a Petition for Appeal of Order to Abate and Cease and Desist Violations I enclose an original and two copies I ask that you file stamp one copy to acknowledge receipt and return it to me in the enclosed envelope Thank you for your assistance

Sincerely,

Richard A. Alvers

Richard A. Ahrens

RAA vla
Enclosures

40172927



SUPERFUND RECORDS

**IN THE HAZARDOUS WASTE MANAGEMENT COMMISSION
STATE OF MISSOURI**

In Re)	
)	Appeal No _____
The Doe Run Resources Corporation)	
d/b/a The Doe Run Company)	
Herculaneum Smelter)	
881 Main Street)	
Herculaneum, Missouri 63048)	

**PETITION FOR APPEAL OF ORDER TO ABATE AND
CEASE AND DESIST VIOLATIONS**

Pursuant to R S Mo § 260 410 (2000), The Doe Run Resources Corporation (Doe Run) by this Notice appeals to the Commission an Order to Abate and Cease and Desist Violations issued by the Department of Natural Resources on September 25 2001 As the basis for its Petition Doe Run states as follows

1 The name address and telephone number of Appellant are The Doe Run Resources Corporation d/b/a The Doe Run Company, 1801 Park 270 Drive, Suite 300 St Louis, Missouri 63146, 314-453-7150 The facility of Appellant at issue in this case is its Herculaneum Smelter, 881 Main Street Herculaneum Missouri 63048 The name address and telephone number of Appellant's counsel are Lewis Rice & Fingersh L C Richard A Ahrens and Jon Santangelo 500 North Broadway Saint Louis, Missouri 63102, 314-444 7600

2 The Order appealed from is attached as Exhibit 1

3 On September 25 2001 notwithstanding actions taken by Doe Run to address the haulage of lead concentrates in the City of Herculaneum, the Director of the Department of Natural Resources, without engaging in conference conciliation and persuasion, issued the Order that is the subject of this Petition

1 The Order co-mingles allegations of violations of the Hazardous Waste Management Law, the Air Conservation Law and the Clean Water Law, without identifying which of the remedies imposed are made necessary by the various alleged violations. The form of the Order is such as to deny Doe Run its right to review of the Order by the respective commissions charged with enforcement of the air, water and waste laws, and so to deny Doe Run the due process of law to which it is entitled under the United States and Missouri Constitutions. The Order should be vacated for that reason alone. Alternatively, Doe Run invokes the authority of this Commission to review so much of the Order as is within its jurisdiction.

5 The Order is unlawful, beyond the jurisdiction of the Director, arbitrary and capricious, and without basis in law or fact. None of the remedies ordered is justified under the Hazardous Waste Management Law.

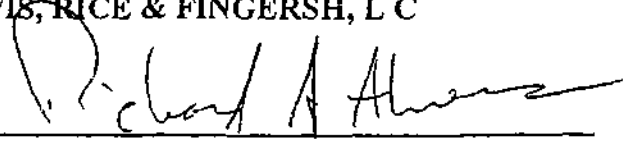
6 The reasons why the action of the department should be reversed are set out in the Supplemental Statement Setting Forth Basis of Appeal of Appellant The Doe Run Resources Corporation ("Basis of Appeal"), which is incorporated here by reference and is attached to this Petition as Exhibit 2. Doe Run reserves the right to bring to the Commission's attention any additional legal infirmities in the Order.

7 Doe Run requests an evidentiary hearing pursuant to R.S. Mo. §260.410 (2000).

8 Pursuant to R.S. Mo. §§ 260.410, 643.080 and 644.056 (2000), enforcement of the Order is stayed until final determinations by this Commission and the two other commissions before which it is reviewable.

LEWIS, RICE & FINGERSH, L C

By

A handwritten signature in black ink, appearing to read "Richard A. Ahrens", written over a horizontal line.

Richard A. Ahrens, Bar No 24757

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Counsel for The Doe Run Resources
Corporation